



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

DECEMBER 3, 2018

9:30

Calendar No. 18-249:

805 Brayton Ave.

Ward 3

Kerry McCormack

8 Notices

PRO Built, owner, proposes to erect a 2,269 square foot, 3 story frame single family residence with 20'x20' detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,875 square feet and the appellant is proposing 2,269 square feet.
2. Section 357.09(b)(2)(B) which states that the required interior side yard shall not be less than ¼ the height building or in this case 6.9' and the appellant is proposing 3'.
3. Section 357.13(b)(1) which states that the roof canopy shall not project less than 10feet from property line and the appellant is proposing 0'.
4. Section 357.13(4) which states that an open concrete porch shall not project more than 4' and the appellant is proposing 5'. The porch shall not be less than 10 feet from property line and the appellant is proposing 0 feet.
5. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed November 2, 2018)

9:30

Calendar No. 18-250:

1971 West 54 Street

Ward 15

Matt Zone

10 Notices

Lawrence Apple proposes to erect a 2.5 story 1,750 square foot single family house with a detached garage on a 3,960 square foot lot on a City of Cleveland Land Bank lot located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.13(b)(4) which states that open porticos or porches shall not project more than six (6) feet provided they do not extend within ten (10) feet of the street line and do not aggregate a vertical area in any story more than twenty percent (20%) of the area of the façade in that story. Proposed porch projects 3'-6" into the front yard setback and is within 6'-6" of the street line.
2. Section 337.23(a) which states that an accessory building shall be located a minimum of 18" from all property lines. The proposed garage is ±12" to the property line; (garage overhang plus gutter dimension is unknown thus not considered).
3. Section 357.09(b)(2)(C) which states that in a Two-Family District no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten

(10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 30'-0" thus no interior side yard shall be less than 7'-6"; a 3'-0" side yard is proposed (distance from gutter fascia board to property line is unknown)
Section 341.02(b) which state that City Planning approval is required prior to the issuance of a building permit. (Filed November 2, 2018)

9:30

Calendar No. 18-251: 6700-6706 Baxter Avenue Ward 12
Anthony Brancatelli
11 Notices

Diocese of Cleveland, owner, proposes to build a parking lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.13(c) which states that parking lots in residential districts must be approved by the Board of Zoning Appeals.
2. Section 355.04 which states that no fence shall be higher than its distance from the fence line to the neighbor's house; proposed six (6) foot high wood fence is within six (6) feet of neighboring houses.
3. Section 349.13(c)(6) which states that all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; proposed parking is within the setback (average setbacks are approx. 20'). (Filed November 2, 2018)

9:30

Calendar No. 18-252: 3045 W. 116 ST./ Ward 11
Waste Collection Dona Brady

Vento Investments, LLC., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V18033858 issued on October 8, 2018 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed November 2, 2018).

9:30

Calendar No. 18-253: 4607 Lorain Ave. Ward 3
Kerry McCormack
13 Notices

4607 Lorain LLC., owner, proposes to establish first floor retail use and 6 residential units with nonconforming parking in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that accessory off-street parking is required at the rate of one space per residential unit, and one space per 500 square feet of retail space. The retail space parking requirement can be reduced by one-third, per Section 343.23(i). A total of 10 off-street spaces are required and four are provided. (Filed Nov. 2, 2018)

9:30

Calendar No. 18-254:

9001 Kinsman Rd.

Ward 6

Blaine A. Griffin

9 Notices

RK Utility, LLC., owner, proposes to construct a new retail store and accessory parking in a B3 General Industry District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 349.07(c)(3) which states that the maximum width of driveway shall be 30' and the proposed driveway on E. 91 Street is 40' wide. (Filed November 5, 2018)

9:30

Calendar No. 18-255:

**6811 Whitney Ave/
Waste Collection**

Ward 7

Basheer S. Jones

Ted S. Peterson appeals on behalf of owner, Donald P. Mull (deceased) under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the City of Cleveland Waste Collection Division in the issuance of Civil Infraction Ticket Number WC00354787 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed November 5, 2018)

9:30

Calendar No. 18-256:

7505 Franklin Blvd.

Ward 15

Matt Zone

8 Notices

Harlequin Design, owner, proposes to erect an attached garage to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(A) which states that the depth of required rear yard shall not be less than height of the main building or in this case 13'-5' and the appellant is proposing 1'-2".
2. Section 341.02(B) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main buildings on rear lot line is 5'-6". (November 6, 2018)

POSTPONED FROM SEPTEMBER 17, 2018

9:30

Calendar No. 18-159:

4247 Lorain Ave.

Ward 3

Kerry McCormack

18 Notices

B.R. Knez proposes to construct a new mixed use building with 6 residential units, a commercial space and a 4 car parking garage on a City of Cleveland Land Bank lot in a D3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Sections 349.04(a)&(f) which states that 7 off-street parking spaces are required and 2 parking spaces are proposed.
2. Section 355.04 which states that the maximum gross floor area of building in a 'D' area district shall not exceed the total lot area; or in this case 3,217 square feet are permitted and 5,521 square feet are proposed. (Filed July 11, 2018-No Testimony) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE CDC TO ALLOW FOR MORE TIME FOR COMMUNITY REVIEW. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR TIME FOR FURTHER REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR A COMMUNITY MEETING TO BE HELD.*

POSTPONED FROM OCTOBER 22, 2018

9:30

Calendar No. 18-213:

3205 Denison Ave.

Ward 12

Waste Collection Appeal

Anthony Brancatelli

Dorothy Rieman, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on September 18, 2018 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40021255 issued August 16, 2018 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed September 26, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO APPELLANT'S ILLNESS.*